



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza*

September 17, 2013

BY EMAIL

The Honorable William H. Pauley III
United States District Judge
Southern District of New York
United States Courthouse
500 Pearl Street
New York, New York 10007

Re: United States v. Daniel Delvalle, et al., S3 12 Cr. 732 (WHP)

Dear Judge Pauley:

The Government respectfully submits this letter pursuant to the Court's order at the last conference on August 1, 2013, directing the Government, in light of the number of defendants remaining in the case, to submit a proposal for grouping of the trial defendants. The Government is in active plea discussions with nearly all of the defendants in this matter; however, none of the defendants have entered a guilty plea as of the date of this letter. Accordingly, and pursuant to the Second Circuit's decision in *United States v. Casamento*, 887 F.2d 1141 (2d Cir. 1989), the Government respectfully submits that the Court sever the trial of the remaining defendants into two trials. The Government respectfully proposes that the first trial, to take place on January 6, 2014, include the following four defendants: Angel Concepcion, Samuel Torres, Nelson Torres, and Paul Colon (collectively, "the First Group"). The second trial including the following defendants: Daniel Delvalle, Robert Calvente, Leon Santiago, and Ritchie Santiago (collectively, the "Second Group").

The proposed severance would permit the First Group, which would include four defendants, to be tried before Your Honor on January 6, 2014. The Government expects that it could present its evidence against the First Group in approximately two weeks. A trial against the Second Group, which in total includes four defendants, would also take approximately two weeks, and could follow immediately after the first trial. The Government also proposes that,

PREET BHARARA
United States Attorney

cc: Counsel of record (by Email)